

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

GARY WHITEHEAD,

Plaintiff,

v.

Case No: 8:21-cv-2138-CEH-TGW

CENTERPOINT LEGAL
SOLUTIONS, LLC,

Defendant.

ORDER

This matter is before the Court *sua sponte*. On March 8, 2022, the Court issued an order directing Plaintiff to show cause why the claims against CenterPoint Legal Solutions, LLC, should not be dismissed without prejudice due to Plaintiff's failure to serve this Defendant within the 90 days allowed by Fed. R. Civ. P. 4(m). Doc. 43. Plaintiff was directed to file a written response within seven days. *Id.* at 2. The Court cautioned that failure to respond to the Court's Order regarding service on this Defendant would result in dismissal of the action, without prejudice, as to CenterPoint Legal "without further notice from the Court." *Id.* Plaintiff did not respond to the Court's Order regarding CenterPoint Legal and did not seek an extension of time to serve this Defendant or respond to the Court's Order.

DISCUSSION

A district court may dismiss a plaintiff's claims pursuant to Rule 41(b) or the court's inherent authority to manage its docket. *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1337 (11th Cir. 2005). Under Rule 41(b), "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss this action or any claim against it." Fed. R. Civ. P. 41(b). The Eleventh Circuit has recognized that a district court may dismiss an action *sua sponte* for the plaintiff's failure to prosecute his case or obey a court order under Rule 41(b). *Betty K Agencies, Ltd.*, 432 F.3d at 1337. Because Plaintiff has failed to timely serve Defendant CenterPoint Legal Solutions, LLC pursuant to Fed. R. Civ. P. 4(m) and failed to respond to the Court's order regarding the lack of service on this Defendant, Plaintiff's claims against CenterPoint Legal will be dismissed without prejudice.

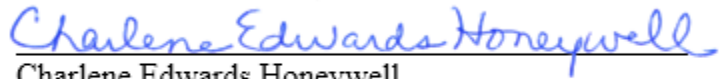
Accordingly, it is hereby

ORDERED:

1. Plaintiff's claims against CenterPoint Legal Solutions, LLC are **DISMISSED, without prejudice**
2. There being no claims remaining,¹ the Clerk of Court is directed to terminate all motions and deadlines and **CLOSE** this case.

¹ Plaintiff's claims against Defendants Verifacts, LLC, Empire Verification Services, Inc., Experian Information Solutions, Inc., and Trans Union LLC have been dismissed. *See Docs. 35, 42, 45.*

DONE and **ORDERED** in Tampa, Florida on April 4, 2022.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:
Counsel of Record
Unrepresented Parties, if any